

Carnival and Amusement Ride Safety Advisory Board

March 26, 2009

Board Members Present: Cynthia Wilk, Chair; Lucy Murphy; Geoffrey Rogers; William Zumsteg; Albert Belmont; Nancy Sheridan; William Dauphinee

DCA Staff Present: Michael Baier, Acting Chief, Bureau of Code Services; Michael Triplett, Carnival and Amusement Ride Safety Unit; Andreas Lichter, Carnival and Amusement Ride Safety Unit; Donald VanHouten, Carnival and Amusement Ride Safety Unit; Suzanne Borek, Code Assistance and Development Unit

Members of the Public: Anthony Casale, Fun Factory Amusements/ROAR; Kim Samarelli, NJAA; Lary Zucker, NJAA; Ed McGlynn, NJAA

The meeting was called to order at 10:05 am.

Staff introduced two people who are prospective members of the Board. Christian Leitner and Debbie Henderson have been approved by the Governor's Office and are awaiting action by the Senate. Staff reported that they expect them, along with a third person, Adam Wallach, to be appointed before the next board meeting. Mr. Leitner is a public member, while Ms. Henderson is a ride operator who specializes in inflatable rides.

Approval of the Minutes of October 16, 2008.

A motion was made by Geoff Rogers seconded by Lucy Murphy to accept the minutes of the 10/26/08 meeting. The minutes were approved without change.

Old Business

1. Meeting Schedule – The Board discussed the date for the next meeting. There were concerns about having the meeting the week before Memorial Day. A motion was made by William Zumsteg seconded by Geoff Rogers and the Board voted to change the date of the next meeting to May 28 th.

2. Electrical Disconnects and Emergency Stops – Staff reported that the committee had met recently. At the meeting the Department presented its proposal. The purpose of the proposal is to provide clear requirements on the type of shutoff needed as well as the number and location of disconnects needed. The committee is reviewing the proposal and is scheduled to meet again shortly. There is no action to be taken at this time on this item.

3. RCMT Rule – A Board member asked if the grandfathering provision that was discussed by the Board would appear in the Recognized Certified Maintenance Technician rule adoption. The concern is that there is a significant number of maintenance people who are employed now and are competent that might not be able to pass the test. Staff responded that the grandfathering provision for training in lieu of the

test would be part of the adopted rule. The Department also acknowledged the need for training and noted that training would be provided after the rule is adopted, during the two year phase in time for the rule. A Board member also suggested that the name of the person in the rule, recognized certified maintenance technician, did not accurately reflect the responsibilities of the person and suggested a simpler more descriptive title be used.

D. New Business

1. Virginia Graeme Baker – The Department reported that there are new Federal rules regarding entrapment in public pools. The rules are enforced by the Consumer Product Safety Commission. The rules are intended to eliminate drain entrapment hazards in public pools and went into effect on December 18, 2008. Therefore, any pool that does not comply with the Federal requirements is not supposed to open. The Department has been discussing the issue with the State Department of Health. Both Departments recognize that they have no enforcement responsibility under the Federal Law. However, both Departments also recognize that there is a need to provide guidance to the inspectors and the industry on the Federal Law. The Departments are working on a joint guidance document for building inspectors, ride inspectors and health inspectors. The guidance will make it clear that the Departments will not be shutting pools down that do not comply with the Virginia Graeme Baker Act provided that the pool or spa meets the current State requirements. In cases where the pool does not comply with the Virginia Graeme Baker Act the Departments will be advising inspectors to notify the CPSC under certain circumstances.

2. Updated Membership List – An updated membership list with the names of the pending members discussed above was distributed. Members were asked to submit any changes that they had to their contact information to the staff.

3. Day Camps – Staff reported that they were interested in opening discussions on the applicability of the rules to day camps. The problem that the Department is interested in discussing stems from the definition of gravity propelled rides in the Carnival-Amusement Ride Safety Act. As defined in the Act, gravity propelled rides are only regulated by the code when they are sited with mechanical amusement rides. However, placing a mechanical ride in a day camp then extends the regulations to all “gravity propelled” rides at the day camp. That means that all of the soft play structures and perhaps much of the playground equipment would be subject to the Carnival-Amusement Ride Safety regulations. The Department is interested in providing reasonable guidance for what is and is not subject to the Carnival-Amusement Ride Regulations in a day camp. A Committee consisting of: Al Belmont, Debbie Henderson, William Zumsteg, Lary Zucker and Claudine Leone, was established to begin discussion. Staff will distribute material and schedule a meeting before the next Board meeting to begin work.

4. Revisions to application forms – Staff presented changes to the application forms that were made in response to discussions that the Department had with the New Jersey Amusement Association. The changes to the form included an additional line for other interested parties to be copied on correspondence. This will allow ride owners to be kept

aware of the status of the project as the ride manufacturer and the Department move through the approval process. The other change was to include a list of those items most frequently missed. Lucy Murphy commented that the standard that the Department uses to verify flame resistance (ASTM E84) may not be the most appropriate standard and suggested that the Department look at ASTM E162 as a better option. The Board also asked if the newer form was on the web-site. The Department will look at the proposed standard, and if warranted include the standard as part of an upcoming rule change. The Department will also ensure that the new form is on the Department's website.

E. Information

1. Ride Statistics – There were two questions on the ride statistics that were distributed. One board member questioned what the nature of the product failures were. Staff responded that they did not have specifics but that the recollection was that the product failures were fairly simple things that did not have a big impact on safety. Another Board member questioned why the numbers presented as part of the ride breakdown by type did not match numbers listed above specifically with respect to the number of permits. It was explained that while numbers at the top of the sheet were for a limited part of the year the numbers at the bottom were end of year numbers. The Department acknowledged that this should be clarified on the form and will also try to present the data in the same manner from year to year so a meaningful comparison can be made.

2. Rule Making Activity – Staff gave the status of the various proposals and adoptions that have been passed by the Board. A member of the public asked about the proposal to increase fees. The Department indicated that the fee proposal had been adopted in March and that people who applied after March would be charged the higher fee. A Board member questioned the fairness of that and suggested that the fee increase should be applied during the next cycle of permitting.

3. Application & time frame for approvals this year – Mr. Triplett reported that the Department has 30 days from the time of a complete application to review an application and approve or deny it. He reported that currently the review is being completed in less time, perhaps two to three weeks. He also reported that the fee increase actually prompted a significant number of people to apply early and that has helped distribute the workload.

Public Comment

1. A member of the public reiterated the concern about the grandfathering of people under the RCMT. A member of the public noted that Pennsylvania had been working on training material for inspectors and that it might be worthwhile for New Jersey to look at the Pennsylvania material.

G. Adjournment

Geoff Rogers made a motion to adjourn, Al Belmont seconded. All were in favor. The meeting was adjourned at 11:45 pm